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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,607	12/27/2000	William Williams	CSCO-96941	1311

7590 01/24/2007  
WAGNER, MURABITO & HAO LLP  
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Two North Market Street  
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EXAMINER
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NGUYEN, CINDY

ART UNIT	PAPER NUMBER
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2161

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/24/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/752,607

Applicant(s)

WILLIAMS, WILLIAM

Examiner

Cindy Nguyen

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3, 5-8, 10-14, 16-17, 19-20, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3,5-7,12-14,16,20 and 22 is/are allowed.
- 6) ☒ Claim(s) 8,10,11,17,19 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 10 February 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION


This is in response to communication filed 12/18/06.

### *Response to Arguments*

Applicant's arguments filed 12/18/06, which respect to claims 8-10, 11, 17-19, 23 and 24 have been fully considered but they are not persuasive.

Applicant argue that nowhere in the Hart reference is a method of performing automatic recoveries on an archived database that includes transmitting a plurality of asynchronous stream wherein **predetermined number of the plurality of asynchronous streams** are transmitted in parallel as is set forth in claim 8 (claims 17 and 23 contain similar limitations) taught or suggested. However, the limitation is not addressed in claims.

Applicant argues that Hart does not teach or suggest a modification of Ohran that would remedy those deficiencies of Ohran. Hart does not teach or suggest transferring a predetermined plurality of files simultaneously in parallel from the operational database to the backup database. Response to this argument, Hart is clearly discloses: suggest transferring a predetermined plurality of files simultaneously in parallel from the operational database to the backup database col. 5, lines 56-10, col. 10, lines 24-31.



***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 8-10, 11, 17-19, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohran (U.S. 6085298) in view of Hart (US 6408310).**

Regarding claims 8, 17 and 23, Ohran discloses: A method and an apparatus of performing automatic recoveries on an archived database, comprising the steps of:

comparing files residing on An operational database to files residing on a backup database (col. 29, lines 26-40, Ohran);

determining whether there are any missing files by checking for files which exist on the operational database and which do not exist on the backup database (col. 30, lines 15-38, Ohran);

recopying files from the operational database over to the backup database which are missing (col. 30, lines 30-35, Ohran).

determining whether there are any corrupted files by checking for files which have a different size on the operational database as compared to corresponding file residing on the backup device (col. 30, lines 30-35, Ohran);

recopying files from the operational database to the backup database which have become corrupted (col. 30, lines 30-35, Ohran);

However, Ohran didn't disclose: wherein the automatic recovery process is run by a program automatically in the background without requiring initiation and is run independent of a complete system backup. On the other hand, Hart discloses: wherein the automatic recovery process is run by a program automatically in the background without requiring initiation and is run independent of a complete system backup (col. 15, lines 55-58, Hart). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include automatic recovery process is run by a program automatically in the background without requiring initiation in the system of Ohran as taught by Hart. The motivation being to enable the system provide a Catchup program to catch up terminates abnormally or unsuccessfully and then restarts automatically without user intervention.

Hart discloses: transferring a predetermined plurality of files simultaneously in parallel from the operational database to the backup database col. 5, lines 56-10, col. 10, lines 24-31. It would have been obvious to a person of ordinary skill in the art to include : transferring a predetermined plurality of files simultaneously in parallel for enhancing the rate of transfer speed.

Regarding claims 9, 18 and 24, all the limitations of these claims have been noted in the rejection of claims 8, 17 and 23, respectively. In addition, Ohran/Hart discloses: further comprising the step of transferring a plurality of files simultaneously from the host device to the backup device (fig. 9 and col. 21, lines 12-58, Hart).

Regarding claim 11, all the limitations of this claim have been noted in the rejection of claim 8. In addition, Ohran/ Hart discloses: wherein the comparing step comprises the step of performing a rolling checksum ( col. 15, lines 11-58, Hart).

Regarding claims 10 and 19, all the limitations of these claims have been noted in the rejection of claims 9 and 17, respectively. In addition, Ohran/Britton discloses: wherein the plurality of files are streamed according to an rsync command (col. 17, lines 45 to col. 18, lines 3, Hart).

#### ***Allowable Subject Matter***

Claims 1, 3, 5-7, 12-14, 16, 20 and 22 allowed.

Claims 1-19 and 21 are allowed in light of the applicant arguments and in light of the prior art made of record.

The following is an examiner's statement of reasons for allowance: the prior art of record failed to disclose: make obvious, or otherwise suggest: a method of archiving a database, comprising storing a plurality of archive logs comprising wherein a predetermined number of the plurality of asynchronous streams, that is set by a user in a config file, are transmitted simultaneously in parallel as recited in claims 1, 12, 14 and 20.

The dependent claims 3, 5-7, 13, 16 and 22, being further limiting to the independent claims 1, 12, 14 and 20 definite and fully enable by the specification are also allowed.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Contact Information***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 571-272-4025. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on 571-272-4146. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300-7239 for regular communications and (571) 273-8300-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

*CN*

Cindy Nguyen  
January 20, 2007

  
JEFFREY GAFFIN  
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